

Message Text

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41

ACTION EUR-12

INFO OCT-01 ISO-00 PM-04 CIAE-00 INR-07 NSAE-00 DODE-00

SIL-01 LAB-04 L-03 TRSE-00 /032 W

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R 291750Z APR 76

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 9607

INFO AMCONSUL ST JOHNS

AMCONSUL HALIFAX

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E.O. 11652: N/A

TAGS: MILI, MARR, CA

SUBJECT: GOOSE BAY - EMPLOYEE BENEFITS

1. SUMMARY : GOC HAS ENDORSED GOVERNMENT OF NEW FOUNDLAND REQUEST FOR CERTAIN EMPLOYMENT RECORDS OF CANADIANS WORKING AT GOOSE BAY. REQUEST RELATED TO ALLEGATIONS THAT CANADIAN EMPLOYEES AT BASE WERE NOT PAID OVERTIME NOR GIVEN BENEFITS IN ACCORDANCE WITH PROVINCIAL LAW. END SUMMARY.

2. EMBASSY HAS RECEIVED LETTER DATED APRIL 27 FROM DEPARTMENT OF EXTERNAL AFFAIRS RELATING TO GOOSE BAY EMPLOYMENT RECORDS; TEXT AS FOLLOWS:

BEGIN TEXT:

3. I AM WRITING YOU IN REGARD TO YOUR RECENT CONVERSATION WITH DAVE GILLET OF THIS DIVISION CONCERNING THE REQUEST FROM THE GOVERNMENT OF NEWFOUNDLAND FOR CERTAIN EMPLOYMENT RECORDS RELATING TO CANADIANS EMPLOYED BY THE UNITED STATES AIR FORCE AT GOOSE BAY. THIS REQUEST RELATES TO ALLEGATIONS THAT THE CANADIAN EMPLOYEES AT THE BASE EXCHANGE WERE NEITHER PAID OVERTIME NOR GIVEN BENEFITS IN ACCORDANCE WITH PROVINCIAL LAW.

4. "WE UNDERSTAND FROM PREVIOUS CONVERSATIONS WITH OFFICIALS
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OF YOUR EMBASSY THAT THE U.S. DEPARTMENT OF DEFENSE RECOGNIZES

ITS OBLIGATION UNDER NATO SOFA TO ADHERE TO LOCAL LABOUR LAWS WHEN EMPLOYING CANADIAN CITIZENS. THIS REQUIREMENT HAS ALSO BEEN CONFIRMED BY OUR LEGAL ADVISORS. IN LIGHT OF THIS WE WOULD BE GRATEFUL TO LEARN WHETHER THE USAF IS PREPARED TO SUPPLY THE RECORDS IN QUESTION AND UNDER WHAT CONDITIONS. IF, AS A RESULT OF THE EXAMINATION OF THESE RECORDS, IT BECOMES APPARENT THAT THE USAF HAS BEEN IN VIOLATION OF NEWFOUNDLAND LABOUR LEGISLATION, IS THE USAF WILLING TO RETROACTIVELY CORRECT THIS SITUATION?

5. "WE ARE ATTACHING FOR YOUR INFORMATION COPIES OF THE CORRESPONDENCE ON THIS SUBJECT RECEIVED FROM THE NEWFOUNDLAND DEPARTMENT OF MANPOWER AND INDUSTRIAL RELATIONS AND WOULD DRAW YOUR ATTENTION IN PARTICULAR TO THE LETTER OF NOVEMBER 21, 1975 TO THE DIRECTOR OF PERSONNEL, HEADQUARTERS, AIR FORCE EXCHANGE SERVICES, DALLAS, TEXAS.

6. "WE WOULD BE GRATEFUL TO RECEIVE YOUR COMMENTS IN DUE COURSE. COMPLIMENTARY CLOSE. END TEXT.

7. EMBASSY FORWARDING COPY OF LETTER AND VARIOUS ATTACHMENTS TO DEPARTMENT, ATTENTION: MR. KRUSE.

8. COMMENT: EMBASSY RECOGNIZES THAT USAF HAS ALWAYS SOUGHT TO BE "GOOD EMPLOYERS" IN GOOSE BAY. IN THIS INSTANCE, IT WOULD APPEAR THAT CANADIAN EMPLOYEES MAY HAVE SOME JUSTIFICATION REGARDING THEIR CLAIM THAT ADDITIONAL PAY IS DUE THEM. BUT IF THERE IS REASONABLE DOUBT RE USAF'S INTERPRETATION THAT IT DID NOT OWE OVERTIME, IT WOULD SEEM APPROPRIATE TO TRY TO SETTLE THE DIFFERENCES AMICABLY. ONE PARTICULAR QUESTION WHICH COMES TO MIND IS WHETHER CANADIAN EMPLOYEES FILED FOR OVERTIME AS OF THE MOMENT THE LAW WAS PASSED OR WHETHER THEY ARE ONLY FILING RETROACTIVELY. IN THE LATTER SITUATION IT WOULD BE INTERESTING TO KNOW IF THERE IS A STATUTE OF LIMITATIONS FOR RETROACTIVE FILING OF OVERTIME PAY. ENDERS

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Message Attributes

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Draft Date: 29 APR 1976
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Disposition Approved on Date:
Disposition Authority: ellisoob
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
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Executive Order: N/A
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Margaret P. Grafeld
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